

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Paul B. Hernández
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Lourdes Lozano

City Council Summary Agenda September 11, 2012 7:00 P.M.

Call to Order/Roll Call of Council members **QUORUM**

Invocation given by David Concepcion, City Clerk

Pledge of Allegiance led by Councilwoman Katharine Cue-Fuente

ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

Presentations –

Presentation of artwork by Mr. Luis Posada Carriles to the City of Hialeah

Presentation by Mr. Jaime Torrens, Chief Facilities Officer for Miami-Dade County Public Schools, regarding the upcoming DCPS Bond Issue.

Call for a moment of Silence by Councilman Paul Hernandez, in memory of all of the fallen individuals on Patriots Day (9-11).

1. Announcement of Amendments/Corrections to the Agenda

a. Item N was added to the agenda

2. Consent Agenda –

- A.** Report of Scrivener's Error – Correction of account number applied to City Council Agenda August 28, 2012, Item J. (PURCHASING DEPT) **APPROVED (7-0)**
- B.** Report of Scrivener's Error – Correction of account number applied to City Council Agenda August 28, 2012, Item i. (PURCHASING DEPT) **APPROVED (7-0)**
- C.** Request permission to reject Hialeah bid # 2011/12-3230-00-069 for the 72-Unit elderly Housing project- Doors and Hardware, because no valid bids were received and authorize

the department permission to waive competitive bids, since it is advantageous to the City, and obtain quotes for this project, and return to the Council with new prices for review and approval. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**

- D. Request permission to reject Hialeah bid # 2011/12-3210-00-005 for the Right of Way Grounds Maintenance- Medians, since it is advantageous to the City, and the Medians Maintenance was incorporated into our Sector Maintenance contract. (STREETS DEPT.) **APPROVED (7-0)**
- E. Request permission to reject Hialeah bid # 2011/12-3210-00-008 for the Right of Way Grounds Maintenance- DERM Canals, since it is advantageous to the City, and the DERM Canals Maintenance was incorporated into our Sector Maintenance contract. (STREETS DEPT.) **APPROVED (7-0)**
- F. Request permission to increase purchase order #2012-665, since it is advantageous to the City, issued to Power Depot, for the rental of (2) trailer mounted generators for temporary power at the Reverse Osmosis Water Treatment Plant, for an additional total amount of \$20,306, for a total cumulative amount not to exceed \$105,248. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- G. Request permission to increase purchase order #2012-228, since it is advantageous to the City, issued to American Battery Company, for the purchase of automotive batteries for City vehicle and trucks, for an additional total amount of \$5,000, for a total cumulative amount not to exceed \$55,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- H. Request permission to increase purchase order #2012-269, issued to Heaven Cycle, Inc., since it is advantageous to the City, for the purchase of Harley Davidson parts, for an additional total amount of \$1,000, for a total cumulative amount not to exceed \$26,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- I. Request permission to increase purchase order #2012-610, issued to Law Enforcement Psychological and Counseling Associates, Inc., since it is advantageous to the City, to provide psychological screening services for the hiring of reserve police officers, dispatchers and the Employee Assistance Program (EAP), for an additional total amount of \$7,500, for a total cumulative amount not to exceed \$29,500. (HUMAN RESOURCES DEPT.) **APPROVED (7-0)**
- J. Request permission to award Hialeah bid # 2011/12-3230-00-081 for the Milander Auditorium – Miscellaneous Railings, to FWC Metal Works LLC, lowest responsive bidder, for a total amount not to exceed \$27,400. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- K. Request permission for a three Extension of Maturity Date of the Taxable Promissory Note, Series 2012, in accordance with Hialeah, Fla., Ordinance 2012-14 (March 14, 2012); in substantial form as attached hereto and made a part hereof as Exhibit “1.” (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (7-0)**

- L. Request permission to waive competitive bids, since it is advantageous to the City, and re-enter into a Professional Services Agreement with Chef Ray Newlands, to provide a *Dinner Party Project* to the City of Hialeah Education and Community Services Department's afterschool CL&P program (for a third year) at 11 sites during the 2012-13 school year, for a total amount not to exceed \$22,725. (EDUCATION AND COMMUNITY SERVICES DEPT.) **APPROVED (7-0)**
- M. Request permission to waive competitive bids, since it is advantageous to the City, and re-enter into a Professional Services Agreement with Sean Prezant under the title "Wacky Wild Science Adventures," to provide and develop an after-school and summer camp hands-on/interactive science programming to the City of Hialeah Education and Community Services Department's afterschool CL&P program (for a second year), for a total amount not to exceed \$20,100. (EDUCATION AND COMMUNITY SERVICES DEPT.) **APPROVED (7-0)**
- N. Request from the Women's Club of Hialeah, Inc. (501-C3) for a street closure permit to hold the annual Fish Fry Event on West 1st Avenue from West 5th to West 6th Street on October 16, 2012 commencing at 5:00P.M. and ending at 9:00P.M.(OFFICE OF THE CITY CLERK) **APPROVED (7-0)**
3. Proposed resolution authorizing the transfer of unencumbered appropriation balances or a portion thereof between classifications of expenditures within an office or department within the General Fund; and within the Special Revenue Funds, and in particular, the Circulator Fund, the Blue Foundation Grant Fund And The Capital Project Palm Centre 72 Units Fund, and within Debt Service Funds, and in particular, the Fire Administration Building Debt Service Fund, all as summarized and itemized in the schedule attached as exhibit "1" and made a part hereof. (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (7-0)**
RESOLUTION 2012-106
4. Proposed resolution strongly opposing the proposed base rate increase by Florida Power and Light ("FPL"). (COUNCILMAN L. GONZALEZ) (*TABLED 8/14/12 and 8/28/12*) (*Armando Fernandez and Ramon Ferrer of FPL (4200 W Flagler Street, Miami, FL 33134)*) **REMOVED FROM TABLE (6-0-1) APPROVED AS AMENDED (6-0-1) (VCM ABSTAINED)**
RESOLUTION 2012-107
5. Second reading and public hearing of proposed ordinance amending Chapter 2 entitled "Administration", Article II. Departments, Offices and Divisions, of the Code of Ordinances by amending Division 12. Community Development Department; amending and to consolidate the existing Water and Sewers Department and Solid Waste Department as divisions within a newly-created Department Of Public Works under the supervision of a director of Public Works; and convert the Risk Management Division to the Risk Management Department and rename Division 19. Risk Management Division to Risk Management Department; and providing miscellaneous revisions; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0) ORDINANCE 2012-49**
6. Second reading and public hearing of proposed ordinance amending Hialeah, Florida, Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 1. Generally, Of The

Code of Ordinances and in particular, revising Hialeah Code § 98-411 entitled “Classification of Districts” to update the list of Municipal Zoning District Classifications referenced in the Code of Ordinances; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0) ORDINANCE 2012-50**

7. First reading of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the city, to enter into a lease agreement between the City, as landlord, and the University of Florida to continue operating a dental clinic serving low-income and moderate-income residents located at 740 and 750 East 25 Street, Hialeah, Florida, for a period of five years, commencing on September 25, 2012 and ending on September 24, 2017, for an annual amount of \$1.00, with a five-year option to renew, in the form as attached hereto and made a part hereof as exhibit "1"; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (GRANTS AND HUMAN SERVICES DEPT) **APPROVED (7-0)**
8. First reading of proposed ordinance granting a revocable use permit issued to Telemundo Network Group LLC, for three years, commencing on January 1, 2013 and ending on December 31, 2015, with two successive annual renewals, covering a vacant parcel consisting of approximately 36,526 square feet in total area, adjacent to Fire Station No. 6, in exchange for payment of an annual fee of \$24,000, payable in equal monthly payments of \$2,000 or in lump sum, a copy of which is attached hereto and made a part hereof as exhibit “1”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0)**
9. Proposed repealing and rescinding Hialeah, Fla., Resolution 09-53 (May 12, 2009) that authorized the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Bus Shelter Easement Agreement with the Home Depot USA, Inc., A Delaware Corporation, wherein the City of Hialeah and its licensee are granted an easement for the construction, installation, operation, maintenance and repair of a transit or bus passenger shelter at two locations and further terminating the easement. (ADMINISTRATION) **APPROVED (7-0) RESOLUTION 2012-108**
10. First hearing of proposed ordinance granting an exclusive license to ABD Family Investments, LLC, A Florida Limited Liability Company, D/B/A Sir Pizza of Hialeah, for a term of one year, commencing on October 1, 2012 and ending on September 30, 2013, with one annual renewal, to sell and deliver cheese pizzas at a reduced rate or volume discount of \$6.00 each for each plain cheese pizza and \$7.00 for each pepperoni pizza, as ordered by the city, in connection with activities conducted in City of Hialeah Parks and Recreational facilities, in payment of an annual sponsorship fee of \$5,000.00, 300 complimentary pizzas, 50 redeemable free pizza cards at special events and programs, and in receipt of other promotional items in connection with special events and programs; and authorizing the Mayor and the City Clerk, as attesting witness, to enter into a license and sponsorship agreement for one year with an option to renew for an additional year, a copy of which is attached hereto and made a part hereof as exhibit “1”; repealing all ordinances or parts of ordinances in conflict herewith; providing

penalties for violation hereof; providing for a severability clause; and providing for an effective date. (EDUCATION AND COMMUNITY SERVICES) **APPROVED (7-0)**

11. First hearing of proposed ordinance granting an exclusive license to Coca-Cola Refreshments USA, Inc., A Delaware Corporation, D/B/A Florida Coca-Cola Bottling Company, for a term of five years, commencing on July 1, 2012 and ending on June 30, 2017, to place, install and operate its vending machines for soft drinks, juices and bottled water at a minimum of 63 locations within the City of Hialeah Parks and Recreational Facilities and other facilities in payment of an annual sponsorship fee of \$25,000, \$10,000 Special Event Sponsorship, A sales rebate program, 15% commission rate percentage based on sales receipts as more fully described in the agreement, and in receipt of other promotional items in connection with special events and programs; and authorizing the Mayor and The City Clerk, as attesting witness, on behalf of the City, to enter into a beverage agreement in substantially the form as attached hereto and made a part hereof as exhibit "1"; and providing for two successive one-year renewals upon agreement of the parties; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (EDUCATION AND COMMUNITY SERVICES) **APPROVED (7-0)**

12. First hearing of proposed ordinance authorizing the negotiation of a loan in an aggregate amount not to exceed \$45,000,000 from the Florida Municipal Loan Council to refund a prior loan in the amount of \$50,000,000 and finance the acquisition and construction of certain capital projects; approving the form of and the execution and delivery of a loan agreement with The Florida Municipal Loan Council; approving the execution and delivery of a bond purchase contract; approving the execution and delivery of a continuing disclosure agreement; providing certain other matters in connection with the making of such loan; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION) *(Mayor noted that the City will be saving \$2.8 Million to be applied to Street Projects, and \$5 Million throughout the life of the loan in principal)* **APPROVED (7-0)**

13. Board Appointments - **NONE**

14. Unfinished Business

- a. Mayor acknowledged that everyone in the Council has received their FY 2012-13 Proposed Budget, and the first hearing of the Proposed Budget is scheduled for 9/13/12 at 7:00P.M.
- b. Mayor congratulated Fred Marinelli and the Hialeah Fire Department; last week the City of Hialeah inaugurated 2 new Chemical Trucks and two new rescue trucks, which were purchased with approximately \$1.4 Million in grant funds and will benefit the City and the County.
- c. Mayor informed that the City of Hialeah has received an award of \$500,000 in funding for a recreational facility for the elderly to be housed at the 300 Units Elderly Center.
- d. Mayor Hernandez congratulated Council Pres. Garcia-Martinez and her husband for celebrating their 25 year marriage anniversary

15. New Business - **NONE**

16. Comments and Questions - NONE

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

PZ. 1 Second reading and public hearing of proposed ordinance granting a variance granting a variance permit to allow a single family home on a substandard-sized lot having a width of 25 feet, where a minimum average width of 40 feet is required, a total area of 3,125 square feet, more or less, where a total area of at least 6,480 square feet is required, and to allow side setbacks of 5 feet, where at least 5 feet 1 inch is required, contra to Hialeah Code §§98-348. **A vacant lot located on the east side of West 6 Court between West 23 Street and West 24 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Machado Investments, Inc. **APPROVED (7-0) ORDINANCE 2012-51**

PZ. 2 Second reading and public hearing of proposed ordinance granting a variance permit to allow the expansion of a nonconforming use pursuant to Hialeah Code §98-377(b) in order that a grandfathered guesthouse be used as a second living quarter, and to allow no interior west side setback for the existing guesthouse, where a minimum of 5 feet 1 inch is required, and to allow an interior east side setback of 4.20 feet for the existing main house, where 5 feet 1 inch is required, contra to Hialeah Code §98-348. **Property located at 478 East 61 Street, Hialeah, Florida.** Repealing All ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Jose R. Soberon & Gisela Soberon (*Presentation by Javier L. Vazquez, P.A.6500 Cowpen Road, Suite 302 Miami Lakes, FL 33014*) **APPROVED (7-0) ORDINANCE 2012-52**

PZ. 3 Second reading and public hearing of proposed ordinance granting a variance permit to allow a duplex on a substandard-sized lot having a width of 50 feet, where a minimum average width of 75 feet is required, and a total area of 5,550 square feet, more or less, where a minimum total area of 7,500 square feet is required, to allow a lot coverage of 43%, where a maximum of 30% is allowed, and to allow side setbacks of 5 feet, where at least 7.5 feet are required, contra to Hialeah Code §§ 98-544, 98-546 and 98-2056(b)(2). **Vacant land located on the west side of West 5 Way Between West 23 Street and West 22 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Machado Enterprises, Inc. **APPROVED (7-0) ORDINANCE 2012-53**

PZ. 4 Second reading and public hearing of proposed ordinance granting a variance permit to allow a duplex on a substandard-sized lot having a width of 50 feet, where a minimum average width of 75 feet is required, and a total area of 6,750 square feet, more or less, where a minimum total area of 7,500 square feet is required, to allow a corner side setback of 10 feet, where at least 15 feet is required, and to allow a rear setback of 22 feet, where a minimum of 25 feet is required, contra to Hialeah Code §§ 98-544, 98-546 and 98-547. **Property located at 2300 West 5 Way, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Machado Investments, Inc. **APPROVED (7-0) ORDINANCE 2012-54**

PZ. 5 Second reading and public hearing of proposed ordinance rezoning from R-1 (One Family Residential District) to R-2 (One And Two Family Residential District) and granting a variance permit to allow a Duplex on a substandard-sized lot having a width of 49.8 feet, where a minimum average width of 75 feet is required, having a total area of 6,750 square feet, more or less, where at least 7,500 square feet is required, to allow a lot coverage of 34%, where a maximum of 30% is allowed, and to allow a corner side setback of 10 feet, where no less than 15 feet are required, contra to Hialeah Code §§ 98-544, 98-546 and 98-2056(b)(2). **Property located at 101 East 18 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Machado Limited Partnership #3. **APPROVED (7-0) ORDINANCE 2012-55**

FIRST CITY COUNCIL BUDGET HEARING: September 13, 2012 AT 7:00 P.M.

NEXT CITY COUNCIL MEETING: September 25, 2012 AT 7:00 P.M.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).